

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

MANDY RICE, D.O.,)	
)	
Plaintiff,)	
)	
vs.)	
)	Case No. 1722-CC11181
ST. LOUIS UNIVERSITY,)	Division No. 1
CATHERINE M. WITTGEN,)	
M.D. and CARL A.)	
FREEMAN, M.D.,)	
)	
Defendants.)	

DEPOSITION OF NIRAV PATEL, M.D.,
taken on behalf of the Plaintiff
on February 22, 2019

Reported by
Carla R. Wenzel
Missouri CCR Number 908
Illinois CSR Number 084-004028

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1 IT IS HEREBY STIPULATED AND AGREED by and
2 between Counsel for the Plaintiff and Counsel for
3 the Defendants that this deposition may be taken in
4 shorthand by CARLA R. WENZEL, CCR, CSR, and
5 afterwards transcribed into typewriting, and that
6 the signature of the witness was not waived by
7 agreement and consent in my presence.

8 * * * * *

9 NIRAV PATEL, M.D.,
10 of lawful age, being produced, sworn, and examined
11 on the part of the Plaintiff, deposes and says:

12 DIRECT EXAMINATION

13 QUESTIONS BY MR. BOHM:

14 Q. Would you state your name for the record.

15 A. Nirav Patel. N-I-R-A-V, last name
16 P-A-T-E-L.

17 Q. Okay. And by whom are you employed?

18 A. St. Louis University.

19 Q. Are you employed by SSM St. Louis
20 University Hospital as well?

21 A. I am not.

22 Q. Okay. And what is your position at St.
23 Louis University?

24 A. At St. Louis University I'm an assistant
25 professor of internal medicine.

1 A. That was a two-year fellowship.

2 Q. And where was that?

3 A. That was at Cedars-Sinai at the West Los
4 Angeles VA Hospital, at Olive View UCLA Medical
5 Center.

6 Q. And so you would have completed that in
7 2012?

8 A. Yes.

9 Q. And what did you do after that?

10 A. Concurrent to some of that was working as
11 a tele-ICU physician at Banner Medical Center doing
12 ICU work. And then after that I came to St. Louis
13 University.

14 Q. Okay. You've been employed at St. Louis
15 University ever since?

16 A. Yes.

17 Q. And have you had any leadership positions
18 within the Internal Medicine Department at St.
19 Louis University?

20 A. I have not.

21 Q. Okay. So you've never been a program
22 director?

23 A. I have not.

24 Q. Okay. When did you become the chief
25 medical officer at SSM?

1 MS. BLAISDELL: Objection. Calls for
2 information covered by the peer-review privilege
3 and the Patient Safety, Quality and Improvement
4 Act. To that extent, I'm instructing you not to
5 answer the question.

6 Q. (By Mr. Bohm) Did you discuss this with
7 Dr. Rice?

8 MS. BLAISDELL: Same objection.

9 A. (By the Witness) I'm choosing not to
10 answer.

11 Q. Do you believe your discussion with Dr.
12 Rice about her complaint is covered by peer-review
13 privilege?

14 MS. DRAFAHL: I'm going to object as
15 calling for a legal conclusion.

16 MS. BLAISDELL: Same objection.

17 Q. (By Mr. Bohm) I'm asking you whether you
18 believe it's covered by peer-review privilege. I
19 don't believe that's the same objection. I don't
20 believe that his answering that has anything to do
21 with the peer-review privilege.

22 MS. BLAISDELL: Objection. It calls
23 for a legal conclusion.

24 A. (By the Witness) So let me answer by
25 saying our process is to -- regardless of input

1 into the peer-review process, once an event or a
2 complaint enters the process, the investigation
3 that occurs involves discussions with any number of
4 parties that would be able to potentially provide
5 information about that situation.

6 So, for example, we might talk to a nurse,
7 we might talk to staff members, we might talk to
8 the person putting in the complaint, we might talk
9 to the physician or whoever the complaint was about
10 as part of that investigation.

11 So, again, the routine for us would be for
12 me or one of the patient safety and quality
13 coordinators or the peer-review chair or whoever
14 was reviewing the case as our level 1 reviewer in
15 peer-review to appropriately ask the questions to
16 individuals that might have knowledge about a
17 particular situation.

18 When additional information is requested
19 either by the peer-review committee or the MEC,
20 then that information can also be requested by
21 those bodies. That would be our normal process.

22 Q. Was Dr. Rice's complaint actually referred
23 to the peer-review committee?

24 MS. BLAISDELL: Objection. Calls for
25 information protected by the peer-review privilege

1 we would investigate that.

2 Q. Did you meet with Dr. Rice to discuss this
3 complaint?

4 MS. BLAISDELL: Objection. Calls for
5 information protected by the peer-review privilege
6 and the Patient Safety, Quality and Improvement
7 Act. I'm instructing you not to answer the
8 question.

9 MR. BOHM: Certify it.

10 Q. (By Mr. Bohm) You're not going to answer
11 on your Counsel's advice?

12 A. Yes, I'm not going to answer.

13 MR. BOHM: And I take it that any
14 questions I ask him about what he and Dr. Rice
15 talked about I'm going to draw the same objection,
16 Counsel?

17 MS. BLAISDELL: To the extent it
18 concerns complaints that went through the
19 peer-review process or that concern patient safety,
20 yes.

21 Q. (By Mr. Bohm) Well, you're saying
22 the entirety of Dr. Rice's complaint went through
23 the peer-review? Is that what you're saying, Dr.
24 Patel?

25 A. The input into peer-review is based on

1 event reporting. A complaint such as this would go
2 through the event reporting process, or events that
3 were obtained through nursing or other complaints,
4 complaint vehicles. And so yes, we would
5 investigate that through our normal investigation
6 process for peer-review committee.

7 Q. Isn't it true you met with Dr. Rice on
8 March 14th, 2018, to discuss this matter?

9 MS. BLAISDELL: Same objection.
10 Calls for information protected by the peer-review
11 privilege and the Patient Safety, Quality and
12 Improvement Act. I'm instructing you not to
13 answer.

14 Q. (By Mr. Bohm) You're not going to answer
15 that question?

16 A. I'm not going to answer that question on
17 the advice of Counsel.

18 MR. BOHM: Certify it. So if I was
19 to ask about the allegations in this complaint, I'm
20 assuming you're going to assert the privilege,
21 Counsel, again?

22 MS. BLAISDELL: Depends on what your
23 questions are, I suppose. Again, to the extent it
24 involves what happened as part of the peer-review
25 process once this was submitted to peer-review

C E R T I F I C A T E

STATE OF MISSOURI)
COUNTY OF ST. LOUIS)

I, CARLA R. WENZEL, CCR, CSR, do hereby
certify that pursuant to Notice there came before
me,

NIRAV PATEL, M.D.,

who was by me first duly sworn to testify to the
truth and nothing but the truth of all knowledge
touching and concerning the matters in controversy
in this cause; that the witness was thereupon
examined under oath and said examination was
reduced to writing by me; that the signature of the
witness was not waived by agreement of all parties;
and that this transcript is a true and correct
record of the testimony given by the witness.

I further certify that I am neither
attorney nor counsel for nor related nor employed
by any of the parties to the action in which this
deposition is taken; further, that I am not a
relative or employee of any attorney or counsel
employed by the parties hereto or financially
interested in this action.

IN WITNESS WHEREOF, I have hereunto
subscribed my name on February 26, 2019.

/s/Carla R. Wenzel
Carla R. Wenzel
CCR #908
CSR #84-004028